

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEFF POKORNY and LARRY BLEN on  
behalf of themselves and those  
similarly situated,

Plaintiffs,

v.

QUIXTAR INC., et al.,

Defendants.

No. 07-00201 SC

ORDER GRANTING  
PLAINTIFFS' MOTION  
FOR LEAVE TO  
FILE SUR-REPLY

Plaintiffs Jeff Pokorny and Lary Blen ("Plaintiffs") seek leave to file a sur-reply in response to Defendant Quixtar Inc.'s Reply Memorandum in Support of Objections to and Motion to Strike Declarations of Robert Fitzpatrick and Stephen Hayford Submitted by Plaintiffs in Opposition to Defendant's Motion to Dismiss or Stay ("Reply"). See Mot. for Leave, Docket No. 83.

The Court FINDS that the following statements in the Reply constitute material not raised in Defendant's Motion to Strike:

1. "the entire JAMS panel, including Mr. Hayford himself, is available at the request of any party." Reply at 6 (emphasis in original).
2. "Quixtar's arbitration process is modeled in part after the JAMS rules." Id. at 7.
3. "Quixtar's confidentiality provision . . . is virtually identical to mediation programs used by a wide range of fortune 500 companies." Id. at 6.

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